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CAPITOL RECORDS, INC.,)	
a Delaware corporation, <i>et al.</i> ,)	Case No. 06-1497 (MJD/RLE)
)	
Plaintiffs,)	PLAINTIFFS' MOTION TO
)	WITHDRAW NOTICE OF APPEAL
v.)	
)	
JAMMIE THOMAS,)	
)	
Defendant.)	
)	

3. Because the Court has denied Plaintiffs' request for interlocutory appeal, Plaintiffs will not bring an appeal at this time. Therefore, in order to avoid any confusion as to their intention at this time, Plaintiffs respectfully request that to the extent their Motion is or was deemed to constitute a notice of appeal, such notice is hereby withdrawn.

Respectfully submitted this 12th day of January 2009.

/s/ Timothy M. Reynolds

Timothy M. Reynolds (pro hac vice)

David A. Tonini (pro hac vice)

Andrew B. Mohraz (pro hac vice)

HOLME ROBERTS & OWEN LLP

1700 Lincoln, Suite 4100

Denver, Colorado 80203

Telephone: (303) 861-7000

Facsimile: (303) 866-0200

Donald B. Verrilli, Jr. (pro hac vice)

JENNER & BLOCK

1099 New York Avenue, NW

Washington, DC 20001

Telephone: (202) 639-6000

Facsimile: (202) 661-4957

Felicia J. Boyd (No. 186168)

Leita Walker (No. 387095)

FAEGRE & BENSON LLP

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, Minnesota 55402-3901

Telephone: (612) 766-7000

Facsimile: (612) 766-1600

ATTORNEYS FOR PLAINTIFFS